



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL AMENDED
FACT SHEET FOR H.B. 2191

~~real estate; fund; prosecutor~~
(NOW: employee scheduling; preemption)

Purpose

Pronounces the state's preemption authority over employee scheduling.

Background

Laws 2013, Chapter 139 § 1 declares that employee benefits, including compensation, paid and unpaid leave, other absences, meal breaks, rest periods and their regulation are of statewide concern. Any further regulation of employee benefits is not subject to further regulation by a city, town or other political subdivision of this state.

In November 2014, the San Francisco Board of Supervisors passed two ordinances that regulate hours, retention and scheduling of part-time employees at establishments with: a) multiple locations; b) standardized features or a recognizable appearance; c) 40 or more stores worldwide; and d) 20 or more local employees. Under San Francisco Police Code Article 33G, an employer must provide new employees with a good faith estimate of days, hours and frequency of scheduled shifts. The Article requires an employer to provide employees with at least two weeks' notice of their work schedules by posting the work schedule in a conspicuous place or transmitting the work schedule electronically.

The City of San Francisco is the only entity in the country to enact a scheduling law. Similar city laws have been proposed in Albuquerque, Chicago, Indianapolis, Minneapolis and Olympia. At the state level, Connecticut, Illinois, Maryland, Massachusetts, Minnesota, Oregon, New Jersey, New York and Washington have introduced legislation. The *Schedules That Work Act* (H.R. 5159), introduced in Congress in 2014, would have granted employees a right to request a schedule change under certain conditions. No Arizona city, town or county has adopted an ordinance that requires an employer to alter or adjust employee scheduling.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a city, town or county from adopting an ordinance, resolution or other regulation that requires an employer, except municipality public sector employers, to alter or adjust any employee scheduling unless the employer action is required to satisfy state or federal law.
2. Declares that the regulation of employee scheduling is a matter of statewide concern.
3. Allows a city or town to prescribe security personnel scheduling in specific accordance with a public safety plan ordinance adopted on or before January 1, 2016.
4. Becomes effective on the general effective date.

Amendment Adopted by Committee of the Whole

- Allows a city or town to prescribe security personnel scheduling in accordance with an ordinance adopted on or before January 1, 2016.

House Action

COM	2/17/16	DPA/SE	5-2-0-1
3rd Read	2/24/16	DPA	35-23-2
Final Read	5/06/16	DP	35-21-4

Senate Action

CWD	3/07/16	DPA	5-1-3
3rd Read	3/29/16	DPA	20-8-2

Signed by the Governor 5/12/16
Chapter 233

Prepared by Senate Research
June 6, 2016
GH/rf